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S.B. No. 2083

A BILL TO BE ENTITLED

AN ACT

relating to surveys concerning school district and open-enrollment charter school special education programs and grants to districts, campuses, and open-enrollment charter schools that perform well on the surveys and on other indicators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.022-29.029 to read as follows:

Sec. 29.022. SPECIAL EDUCATION SURVEYS: DEVELOPMENT AND DESIGN. (a) The agency shall develop an Internet-based data collection platform that each school district and open-enrollment charter school shall use to conduct surveys concerning:

(1) each student participating in the district's or school's special education program;

(2) each student who has participated in the district's or school's special education program and has graduated from a district or school high school; and

(3) each student who has withdrawn from the district's or school's special education program.

(b) The agency shall develop questions and a structure for each survey required under Subsection (a) so that each survey is designed to be completed in 15 minutes or less. In developing the surveys, the agency shall:

(1) to the extent practicable, consult with one or

more national organizations with expertise in postsecondary education, employment, or life skills for persons with disabilities; and

(2) consult with:

(A) parents of students eligible under Section 29.003 to participate in a district or school special education program;

(B) teachers who teach in special education programs;

(C) school administrators; and

(D) other persons with significant interest or expertise in special education, including:

(i) one person appointed by the presiding officer of the standing committee in the senate with primary jurisdiction over public education; and

(ii) one person appointed by the presiding officer of the standing committee in the house of representatives with primary jurisdiction over public education.

(c) A survey under Subsection (a)(1) shall be:

(1) designed to determine, among other information, whether the person completing the survey:

(A) believes that the student is appropriately progressing academically and, as appropriate based on the grade-level or age of the student, toward living independently and working competitively;

(B) has, as appropriate based on the person completing the survey, an understanding of the educational rights

1 under federal law of a student with a disability; and

2 (C) is satisfied with admission, review, and
3 dismissal committee meetings, conflict resolution procedures and
4 outcomes, the level of due process provided in the special
5 education program, the amount and type of teacher training, teacher
6 retention, and, as applicable, the availability of student and
7 parent contact information; and

8 (2) disaggregated by type of disability and by
9 preschool, including early childhood, or primary or secondary
10 school grade-level or age of the student.

11 (d) A survey under Subsection (a)(2) shall be designed to
12 determine, among other information, whether the student is:

13 (1) attending a postsecondary educational institution
14 and, if so, the type of institution;

15 (2) living independently; and

16 (3) employed and, if so, the type of employment.

17 (e) A survey under Subsection (a)(3) shall be designed to
18 determine, among other information, the reason for the student's
19 withdrawal from the special education program, such as a change of
20 residence or a decision to educate the student at home or in a
21 private setting.

22 Sec. 29.023. SPECIAL EDUCATION SURVEYS: ADMINISTRATION AND
23 RESULTS. (a) A school district shall conduct the surveys developed
24 under Section 29.022 as follows:

25 (1) for a survey under Section 29.022(a)(1), once each
26 school year, after an admission, review, and dismissal committee
27 meeting;

1 (2) for a survey under Section 29.022(a)(2),
2 approximately 12 months and again approximately 60 months after the
3 date of a student's graduation; and

4 (3) for a survey under Section 29.022(a)(3),
5 approximately 12 months after the last day of the school year in
6 which the student withdrew from the district's or school's special
7 education program.

8 (b) For a survey under Section 29.022(a)(1), a school
9 district or open-enrollment charter school shall conduct separate
10 surveys of the parent of a student participating in the district or
11 school special education program, each teacher of the student, each
12 paraprofessional working with the student, and, to the extent
13 practicable, the student. For a survey under Section 29.022(a)(2)
14 or (3), a district or school shall conduct a separate survey of the
15 parent of each student who has participated in the district's or
16 school's special education program and, to the extent practicable,
17 each student.

18 (c) The agency shall develop a statewide Internet-based
19 information system that the agency posts on the agency's Internet
20 website and that provides current and historical survey results for
21 each school district, campus, and open-enrollment charter school
22 that are disaggregated by students' type of disability and by
23 students' preschool or grade-level range or age. In addition, the
24 information system must rank districts, campuses, and schools
25 among, as determined by the agency, peer institutions in this state
26 and, if practicable, nationally, based on:

27 (1) accomplishments by students and satisfaction with

special education programs, as indicated by the surveys conducted under this section; and

(2) other indicators established by law and rules, as determined appropriate by the agency, including the indicator under Section 39.051(b)(12) and the districts', campuses', or schools' current special education compliance status with the agency.

Sec. 29.024. SPECIAL EDUCATION REPORT CARD. The agency shall develop and each school district or open-enrollment charter school shall provide to the parent of each student participating in the district's or school's special education program, before each admission, review, and dismissal committee meeting, a special education report card. The report card must indicate the discrete and relative performance, disaggregated by students' type of disability and by students' preschool or grade-level range or age, of the district and campus or school on:

(1) issues surveyed under Sections 29.022 and 29.023; and

(2) other indicators established by law and rules, as determined appropriate by the agency, including the indicator under Section 39.051(b)(12) and the district's and campus's or school's current special education compliance status with the agency.

Sec. 29.025. SPECIAL EDUCATION SUCCESS GRANTS. (a) To the extent funds are available, the agency shall award grants to school districts, campuses, and open-enrollment charter schools with high rankings under the information system under Section 29.023(c).

(b) The commissioner shall by rule adopt criteria on which to base a grant award under this section, for grouping districts,

campuses, and open-enrollment charter schools based on the number of students enrolled in the program and other factors, and for distinguishing among districts, campuses, and schools. The rule must require a district, campus, or school, before receiving an award, to provide a detailed, written description of the special education program, especially the aspects of the program that have led to student success. The agency shall post each description on the agency's Internet website and shall provide copies to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public.

(c) The total amount of grant awards under this section may not exceed \$2 million per year.

Sec. 29.026. SPECIAL EDUCATION SURVEYS: ANALYSIS. The agency shall periodically perform a statistical analysis to isolate particular results of surveys conducted under Sections 29.022 and 29.023 that predict student success. The agency shall post the results of the analysis, without using any personally identifiable student information, on the agency's Internet website and shall provide copies of the results to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public. In addition, on request, the agency shall make the information available to persons providing research, members of special education advocacy groups, and other interested persons.

Sec. 29.027. PARENT AND TEACHER CONTACT INFORMATION. The agency shall provide a method by which parents and teachers of students who have participated in a special education program and

1 completed a survey under Section 29.023 may, through the agency,
2 provide contact information to persons who provide training,
3 advocacy, or other targeted assistance in creating academic success
4 for students in special education programs.

5 Sec. 29.028. RULES. The commissioner shall adopt rules as
6 necessary to administer Sections 29.022-29.027.

7 Sec. 29.029. SPECIAL EDUCATION SURVEYS: IMPLEMENTATION
8 PLAN. Not later than January 1, 2010, the agency shall submit to
9 the governor, lieutenant governor, speaker of the house of
10 representatives, and presiding officers of the standing committees
11 of each house of the legislature with primary jurisdiction over
12 public education a plan for implementing the requirements of
13 Sections 29.022-29.027. Not later than June 15, 2010, school
14 districts and open-enrollment charter schools shall begin
15 conducting surveys under Sections 29.022 and 29.023. This section
16 expires June 30, 2010.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.